

02-622106

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the matter of)
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Redevelopment of Spectrum to)
Encourage Innovation in the)
Use of New Telecommunications)
Technologies)

ET Docket No. 92-9

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COMMENTS OF THE
PUBLIC UTILITIES COMMISSION OF THE
STATE OF COLORADO

FEDERAL COMMUNICATIONS COMMISSION
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June 5, 1992

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COMMENTS OF THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF COLORADO

The Colorado Public Utilities Commission ("Colorado PUC") respectfully submits these comments in response to the Notice of Proposed Rule Making (NPRM), adopted by the Federal Communications Commission ("FCC" or "Commission") on January 16, 1992, and released February 7, 1992, in the above captioned matter.

In its NPRM, the FCC proposed to allocate the 1850-1990, 2110-2150, and 2160-2200 MHz bands for emerging telecommunications technologies. The Colorado PUC supports the FCC's efforts to ensure that sufficient spectrum is available for emerging wireless telecommunications technologies. The Colorado PUC strongly supports the Commission's intention to adopt proposals that would avoid imposing undue costs and potential disruption of vital communications for current fixed microwave users in these bands.

Colorado is generally sparsely populated except for the Denver or front range area, and is split by the Rocky Mountains and the continental divide. Because of these characteristics, private microwave systems are heavily used for the communications needs of the State's utilities, railroads, state and local governments and private entities.

The Colorado PUC regulates electric, gas and telecommunications utilities in the State. The Colorado PUC, in making these comments, is advocating that the FCC adopt rules that fairly balance the benefits of encouraging innovation in the use of new telecommunications technologies with the costs of redeveloping a certain portion of the spectrum.

The Commission, doubtlessly, has heard from the various incumbent users about the potential costs and impacts of the proposals. The Colorado PUC believes that the negative

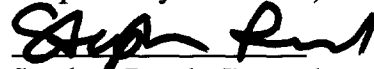
impacts of the NPRM on current microwave users and their customers or constituents can be minimized through a flexible regulatory approach. We would urge the Commission to consider alternative bands as a possible home for the spectrum reserve, to consider making available the adjacent 171-1850 MHz band for displaced 2 GHz users, and to consider the option of opening the 4, 6, and 11 GHz bands for private use.

The Colorado PUC agrees that the reasonable costs of relocation should be paid by the new users of the 2 GHz spectrum, rather than by the existing users, and that this could be accomplished by allowing the newcomers to negotiate financial arrangements with existing users. This "market-based" approach would seem to be best suited to match the need for spectrum in a specific market area with the strength of the demand in that market, thereby expediting the new technology deployment.

The Colorado PUC does not expect that emerging new technologies such as Personal Communications Networks (PCN) will be deployed ubiquitously across Colorado for quite some time. In locations that do not attract new telecommunications services such as PCN, existing users should be permitted to retain their existing licenses indefinitely. The Colorado PUC urges that the rules be sufficiently flexible to allow for exemptions to allow for exceptions where special conditions warrant. The rules should allow for an exemption of state and local government agencies to allow for the continued operation on a co-primary basis indefinitely, and on a case-by-case basis allow for such an exemption for other types of existing users.

The Colorado PUC urges the FCC to adopt rules that retain flexibility to allow for particular circumstances that exist in different areas. The Colorado PUC believes that such a rule can effectively promote new communications technologies without imposing undue hardships on existing users of the targeted spectrum.

Respectfully submitted,



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